

1  
2  
3  
4  
5  
6  
7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 SAN FRANCISCO DIVISION  
10

|                              |   |                           |
|------------------------------|---|---------------------------|
| 11 UNITED STATES OF AMERICA, | ) | No. 11-MJ-71425-MAG       |
|                              | ) |                           |
| 12 Plaintiff,                | ) | ORDER DETAINING DEFENDANT |
|                              | ) | PENDING TRIAL             |
| 13 v.                        | ) |                           |
|                              | ) |                           |
| 14 PEDRO DANIEL RODRIGUEZ,   | ) |                           |
|                              | ) |                           |
| 15 Defendant.                | ) |                           |
| 16                           | ) |                           |

17 The defendant, PEDRO DANIEL RODRIGUEZ, is charged in a criminal complaint with  
18 possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1). The  
19 complaint alleges that on December 29, 2011 Defendant flew from Guadalajara, Mexico to San  
20 Francisco, California and that at the San Francisco airport it was discovered that his luggage,  
21 together with the luggage of a traveling companion, contained over 15 pounds of  
22 methamphetamine, among other things.

23 Defendant made his initial appearance on December 30, 2011. The United States moved  
24 for detention based on the presumption set forth in 18 U.S.C. § 3142(e)(3). The Court held a  
25 detention hearing on January 6, 2012. Defendant was present and represented by counsel,  
26 Elizabeth Falk. The government was represented by Assistant United States Attorney Aaron  
27 Wegner. The parties proceeded by proffer. Both sides had an opportunity before the hearing to  
28 review a report prepared by Pretrial Services. The report recommended detention based on risk

ORDER RE: DETENTION  
11-MJ-71425-MAG

1 of non-appearance that could not be addressed by appropriate conditions of release.

2 After considering the evidence and the parties' arguments, the Court orders that  
3 Defendant be detained pending trial. The Court finds by a preponderance of the evidence that a  
4 serious risk exists that Defendant will flee and that, under 18 U.S.C. § 3142(e), no condition or  
5 combination of conditions will reasonably assure his appearance as required for the following  
6 reasons:

7 1. Defendant does not have significant family ties or personal ties to the San Francisco  
8 Bay Area; indeed, while Defendant is a United States citizen, Defendant resides in Mexico  
9 where his family resides.


10 2. Defendant does not have sufficient assets in the United States to post bail, nor sureties  
11 with sufficient United States assets to post bail;

12 3. If convicted as charged in the Complaint, Defendant faces a mandatory minimum  
13 prison sentence of 10 years, which creates a strong incentive for Defendant to flee.

14 Based on the foregoing, the United States' motion for detention is GRANTED. IT IS  
15 HEREBY ORDERED that Defendant be detained pending trial pursuant to 18 U.S.C. § 3142 and  
16 is hereby committed for that purpose to the custody of the U.S. Marshal.

17  
18 **IT IS SO ORDERED**

19  
20 DATED: January 6, 2012

  
\_\_\_\_\_  
JACQUELINE SCOTT CORLEY  
United States Magistrate Judge